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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,265	08/28/2000	Chih-Yuan Chang	LUCENT-01500	6764
28960	7590	08/09/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/649,265	CHANG ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response filed on 7/20/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-19,22-28,30-33 and 36-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9,15-19,22,28,30-33,36,42-44,46-50,52-56 and 58-60 is/are rejected.
- 7) ☒ Claim(s) 10-14,23-27,37-41,45,51 and 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12/4/00&8/25/03 6) ☐ Other: _____

DETAILED ACTION

Withdrawal of Finality

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4-6, 15, 16, 17-19, 22, 28, 30, 31-33, 36, 42-44, 46-50, 52-56 and 58-60 are rejected under 35 USC 103(a) as being unpatentable over Lee (Pat. 5,892,769) in view of Cadd et al. (6,353,617 B1).

In claims 1, 3, 15, 16, 22, 28, 30, 31, 36, 43, 49, 55 and 60, Lee discloses allocating a first number of contention slots according to a request and grant mode, wherein the first number is determined by a number of user access requests (fig.1, each user at contention state 104 attempting to reserve data slot for transmission and allowed to transmit data message in the data slot, see col.6, lines 10-25 & col.5, lines 60-65). Users requesting for privilege transmission in contention mode have different priority classes; higher priority users are favored over lower priority users to transmit reservation messages for slot (prioritizing the first number of contention slots, see col.5, lines 25-35 & col.6, lines 30-38). Lee further discloses dynamically adjusting

the first number of contention slots according to a change in the number of users requesting access (col.1, lines 5-64 disclose a user either relinquishes its allocated resources when they are not needed or reserves required resources when they are needed). Lee discloses each one of number of user access requests corresponds to different one of the first number of contention slot (table 2, col.7, lines 1-7 discloses a slot may has exactly one user transmitting in a slot indicated by SUCCESS; another slot has at least two users allowed to transmit in the slot indicated by CONTENTION). Lee does not disclose allocating a second number of contention slots according to a contention mode.

Cadd et al. discloses allocating a second number of contention slots according to a contention mode (contentions slot 24, fig.1, col.3, lines 14-20). Cadd et al. further discloses (as in claim 3, 16, 30) at least one contention slot is allocated according to the contention mode at all times (Fig. 2 discloses that there is always at least one contention slot retained in a frame, col.3, lines 25-30).

Therefore, it would have been obvious to one ordinary skilled in the art to apply the Cadd et al. into Lee by allocating a user in contention mode a number of contention slots in order to assure that a minimum number of contention slot in contention mode is always available.

In claims 46, 52 and 58, the limitations of these claims have been addressed in claim 1. (each of contention slots is associated with a unique user marking a request).

In claims 44, 50 and 56, the limitations of these claims have been addressed in claims 1, 15 and 28

Claims 9, 22, 36 are rejected under 35 USC 103(a) as being unpatentable over Lee (Pat. 5,892,769) in view of Cadd et al. (6,353,617 B1), and further in view of Zimmerman et al.(pat. 6,785,252 B1).

In claims 9, 22 and 36, Lee does not disclose each of the generated one or more contention slots provides access to a weighted fair queue. Zimmerman et al. discloses, in fig.12, a weighted fair queue allocating a portion of bandwidth to a connection request (see col.22, lines 15-30). Therefore, it would have been obvious to one ordinary skilled in the art to modify the Lee by using the weighted fair queue suggested by Zimmerman et al. in order to provide access to contention slot.

In claims 4-6, 17-19 and 31-33, Lee discloses the sum of the percentage value is 100%, the percentage value is a dynamically changing value (a fraction of channel is used to support a reservation mechanism so that transmission of user data is scheduled to avoid collisions, col.1, lines 62-67.

In claims 42, 48 and 54, Lee does not disclose the second number of contention slots are fixed and predetermined. Cadd et al. discloses the second number of contention slots are fixed and predetermined (contention slot 1 always remains in a frame 28, see col.3, lines 24-30). Therefore, it would have been obvious to one ordinary skilled in the art to have a fixed number of contention slots reserved for contention mode in Lee.

In claims 47, 53 and 59, the limitation of these claims have been mentioned in claim 1.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-6, 9-19, 22-28, 30-33 and 36-60 have been reconsidered.

Claims 1, 3-6, 9, 15-19, 22, 28, 30-33, 36, 42-44, 46-50, 52-56 and 58-60 but are moot in view of the new ground(s) of rejection.

Claims 10-14, 23-27, 37-41, 45, 51 and 57 are objected.

Allowable Subject Matter

Claims 10-14, 23-27, 37-41, 45, 51 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claims 10, 23 and 37, the prior art does not disclose two new requests for generating contention slots are placed in the weighted fair queue when a collision occurs between two users.

In claims 12, 25, 39, the prior art does not disclose the weighted fair queue adjusts the rate of generating one or more contention slots automatically.

In claims 45, 51 and 57, the prior art does not disclose if multiple new user access requests cause a collision, a number of additional contention slots are generated according to the request and grant made, such that the number of additional contention slots corresponds to at least a number of the multiple user access requests causing the collision thereby increasing the first number of contention slots by the number of additional contention slots.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

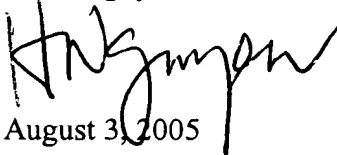
Ahmadi et al. (Pat. 5387777) ; Bauchot (Pat. 5,970,062); Hall (Pat. 5,499,243).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



August 3, 2005

**HANH NGUYEN
PRIMARY EXAMINER**